

REMARKS

Claims 1-3, 5-12, 14-25, and 27-32 are pending. Claims 1, 10, 19, 22, 28, and 30 have been amended and claims 4, 13, and 26 cancelled. No new matter is believed to be introduced by way of this amendment.

The drawings were objected to under 37 CFR 1.83(a) for not show in a closed ring as claimed in claim 10. In order to expedite prosecution of the application, the term "closed" has been deleted from claims 10 and 30. Accordingly, the drawings objection should be withdrawn. Applicant reserves the right, however, to later submit a drawing in this application or in an application claiming priority to this application and submitting therewith claims including the text "closed ring."

Claims 1-7, 9-16, 18 and 22 were rejected claims under 35 U.S.C. § 102(e) as being anticipated by Gabbay. (U.S. Patent No. 6,869,444).

Independent claims 1 and 10 as amended claim a plurality of struts extending radially inward from the curved member, the struts being unattached to the skirt and being positioned on one side thereof so that the skirt can move away from the struts during diastole. Since Gabbay does not disclose or suggest such a strut configuration, reconsideration and withdrawal of the 35 U.S.C. § 102(e) Gabbay rejection of claims 1-7 and 10-16 is requested.

Independent claim 22 as amended claims a plurality of tube pairs, each clip having a first portion slidably positioned in one tube of a tube pair and a second portion slidably positioned in the other tube of the tube pair, each tube having a slot formed therethrough, each slot extending the entire length of a respective tube and configured to allow at least a portion of a respective clip to be ejected therethrough. Since Gabbay does not disclose or suggest such tube pair configurations, reconsideration and withdrawal of the 35 U.S.C. § 102(e) Gabbay rejection of claims 22 is requested.

Claims 19-22 were rejected claims under 35 U.S.C. § 102(b) as being anticipated by Williamson IV et al. (U.S. Patent No. 6,042,607).

Independent claim 19 as amended claims each tube as having a slot formed therethrough, each slot extending the entire length of a respective tube and configured to allow at least a portion of a respective clip to be ejected therethrough.

Independent claim 22 as amended claims a plurality of tube pairs, each clip having a first portion slidably positioned in one tube of a tube pair and a second portion slidably positioned in the other tube of the tube pair, each tube having a slot formed therethrough, each slot extending the entire length of a respective tube and configured to allow at least a portion of a respective clip to be ejected therethrough.

Since Williamson IV et al. does not disclose or suggest such the tube configurations claimed in independent claims 19 and 22, reconsideration and withdrawal of the 35 U.S.C. § 102(b) Williamson IV et al. rejection of claims 19-25 is requested.

Independent claim 27 claims securing the curved member to the plurality of self-closing clips with two pointed end of each clip penetrated into the curved member. Since Williamson IV et al. does not disclose or suggest securing the clips to the curved member in this manner, reconsideration and withdrawal of the 35 U.S.C. § 102(b) Williamson IV et al. rejection of claims 27-32 is requested.

Claims 8 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Gabbay. Since Gabbay does not disclose or suggest the apparatus claimed in claims 1 and 10, Gabbay does not render obvious claims 8 and 17 which depend from those claims.

CONCLUSION

Applicant submits that the pending claims are in condition for allowance and respectfully requests the issuance of a formal Notice of Allowance at an early date. If a telephone interview would advance prosecution of the application, the Examiner is invited to telephone the undersigned at the number provided below.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due, including additional claims fees, in connection with the filing of this document to Deposit Account No. 13-2546 referencing Attorney Docket No. P-22003.00.

Respectfully submitted,

Date February 1, 2007

By 
Jeffrey J. Hohenshell
Reg. No. 34,109
MEDTRONIC, INC.
710 Medtronic Parkway
Minneapolis, MN 55432
Tel. 763-391-9661
Fax. 763-391-9668
Customer No. 27581